

U.S. Patent Application Serial No. 09/892,457
Amendment dated October 31, 2003
Reply to OA of August 1, 2003

REMARKS

Claims 1, 2 and 4-9 are pending in this application. Amendments to claims 1 and 5 are proposed herein.

The proposed amendment to claim 1, “wherein the resol resin composition does not contain AlCl_3 ”, is supported by the specification on page 7, lines 7-10, in which it states that the resin composition can be obtained, for example, by only mixing three components (A), (B) and (C). None of these components includes AlCl_3 . The proposed amendment that the resol resin is a “resol-type phenol resin” is supported by the general disclosure of “resol-type phenol resin (A)” in numerous places in the specification (for example, on page 2, line 21). The amendment also labels the ammonium thiosulfate component as “(C)”, for clarity.

The amendment to claim 5 is to retain proper antecedent basis from claim 1.

Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber (U.S. 5,294,649). (Office action paragraph no. 3)

The rejection of claims 1, 2 and 4-9 under 35 U.S.C. 102(b) is respectfully traversed and reconsideration of the rejection is respectfully requested.

In the Amendment dated March 6, 2003, claim 1 was amended to specifically recite ammonium thiosulfate as a component in the resin composition. Applicants argued that ammonium thiosulfate was not disclosed in Gerber.

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In paragraph no. 7 of the final Office action (Response to Arguments), the Examiner refers to column 12, lines 45-53, of the reference, which read:

“In the case of compounds which dissociate in water or alcohols to provide anions, compounds providing the following anions are accelerators and appear to be effective by increasing the amount of magnesium in the aqueous solution of the magnesium hardener, phenolic resole resin, and other ingredients in the hardenable mixture: chloride, nitrate, sulfate, sulfite, bisulfite, bisulfate, sulfamate, phosphite, hypophosphite, cyanate, bromide, formate, and thiosulfate.”

In traversing the rejection, Applicants note that these lines list possible anion portions of ionizable accelerators that may be used in Gerber's resins (see column 11, lines 39-53). Applicants submit that Gerber indicates that the anion is the important part of the accelerator (column 11, lines 51-52). That is, thiosulfate is one of 13 listed anions, and the implication of Gerber is that the cation does not matter much. Cations are listed in column 11, lines 57-59:

“sodium; potassium; lithium; calcium; magnesium; ammonium; and lower alkyl substituted ammonium compounds such as those having from 1 to 4 carbon atoms in each alkyl group. The cations of the previous sentence as well as hydrogen, e.g., such as in nitric acid, are the preferred cations for accelerators of this invention.”

That is, ammonium is only one of many possible cations.

In column 13, lines 9-12, Gerber lists nine specific salts as accelerators, **none** of which is ammonium thiosulfate. Gerber does not use ammonium thiosulfate in the listed examples.

Applicants therefore assert that Gerber **does not disclose** use of ammonium thiosulfate.

The use of ammonium thiosulfate can be derived from Gerber only as one of the permutations of 13 anions and the large number of possible cations in the reference. Since Gerber does not use ammonium thiosulfate in the examples, and gives no indication that the combination

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of ammonium cation and thiosulfate anion might be better than any other, Applicants argue that, in addition to not being disclosed by reference, there is no clear suggestion in the reference for ammonium thiosulfate.

Applicants therefore submit that claims 1, 2 and 4-9 are not anticipated by Gerber '649.

Claims 1, 2, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Engen et al. (U.S. 5,551,961). (Office action paragraph no. 4)

Reconsideration of the rejection is respectfully requested in view of the proposed amendment to claim 1.

In the Amendment dated March 6, 2003, Applicants argued that according to the present invention, AlCl_3 is not used, while it is used in Engen et al. In the Response to Arguments, on page 4 of the final Office action, the Examiner notes that the present claims do not recite that AlCl_3 is not used, due to the "comprising" transitional phrase.

Applicants have therefore proposed amending claim 1 to recite that the claimed composition does not contain AlCl_3 . Support for this amendment is discussed above. Applicants again assert that Engen et al. clearly requires the use of AlCl_3 (for example, column 12, line 18), and Applicants submit that claims 1, 2 and 7-9, as amended, are not anticipated by Engen et al. '961.

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (U.S. 2,869,194) in view of Meyer (U.S. 4,264,760). (Office action paragraph no. 6)

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Reconsideration of the rejection is respectfully requested in view of the proposed amendments to the claims.

The amendment to claim 1 recites that the component (A) is a resol-type phenol resin. Applicants submit that Cooper does not disclose use of ammonium thiosulfate. Meyer discloses use of ammonium thiosulfate with urea-formaldehyde in Example 2 (column 10, line 7), but this is not a resol-type phenol resin. Applicants submit that this disclosure of Meyer does not provide a suggestion for use of ammonium thiosulfate with phenol-type resol resins, and that Cooper and Meyer cannot be combined to produce the recitation of the claims, as amended.

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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP


Daniel A. Geselowitz, Ph.D.

Agent for Applicants
Reg. No. 42,573

DAG/plb
Atty. Docket No. **010825**
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



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